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10/766,926	01/30/2004	Naoki Sashida	1359.1088	3971

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EXAMINER
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TIMBLIN, ROBERT M

ART UNIT	PAPER NUMBER
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2167

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07/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/766,926

Applicant(s)

SASHIDA ET AL.

Examiner

Robert M. Timblin

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action corresponds to application 10/766,926 filed 1/30/2004.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/1/2007 has been entered.

#### ***Response to Amendment***

Applicant has amended claims 1, 6, 11-14 and added new independent claim 15. Accordingly, claims 1-15 are currently pending.

#### ***Claim Objections***

Claims 11 and 12 are objected to because of the following informalities: a colon (:) is respectfully requested after the word comprising in the preamble of these claims. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 6, and 15 are rejected under 35 U.S.C. 101 because they are directed towards non statutory subject matter. Specifically, the system as claimed may be accomplished by software components, leading to the interpretation that the system is software per se. There is no use of hardware indicated in the claims to define a machine claim. If Applicant intends the system in these claims to be a machine, there needs to be some form of a structural part of a device or combination of devices as part of the system. Without the use of hardware, the claim is software (i.e. functional descriptive material) and needs to be stored in memory or other computer readable storage medium to impart functionality in a computer. See MPEP 2106.01.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the phrase "where a predetermined number *of or more* search conditions..." in the fourth line of these claims is unclear.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-8, and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Stier et al. ('Stier' hereafter) (U.S. Patent 6,587,847 B1). In the following citations and drawings, Stier teaches or fairly suggests:

With respect to claim 1, A database search system for searching a database for data, comprising:

a unit for measuring an input number of search conditions (drawing reference 401, query counter, and figures 8-9) input during a period from a start to an end of search processing (col. 12 line 18-19);

a unit for receiving (figure 1e, drawing reference 20) an input of a message (figure 5) describing know-how information (drawing reference 3, figure 5) about a problem (drawing reference 2) corresponding to contents of the search processing from a user (agent 13), said know-how information (drawing reference 3, figure 5) being requested (col. 3 line 19-21, col. 9 line 1-6) from a user (drawing reference 3, figure 5) in response to the input number measured (drawing reference 401, query counter, and

figures 8-9) at the end of the search processing exceeding a predetermined threshold value (col. 9 line 1-5, col. 8 line 15-17, col. 3 line 19-21); and

a unit for storing (drawing reference 35) the input message (figure 5) in a know-how database (drawing reference 35) under a condition that the input message (figure 5) is associated with all the search conditions input during an execution period of the search processing (col. 9 line 18-22 and col. 12 line 55-58).

With respect to claim 2, Stier teaches the database search system according to claim 1, wherein during execution of the search processing, the search conditions input by the user are compared (col. 8 line 17-33, i.e. Stier discloses finding a unique query and response) with search conditions stored in the know-how database (drawing reference 35) every time the search conditions are received (col. 8 line 17-33), and in a case where a predetermined number of or more search conditions are matched with each other, the message associated with the search conditions (col. 8 line 17-18, i.e. combined query and response) stored in the know-how database is output to the user (col. 8 line 42-54).

With respect to claim 3, the database search system according to claim 1, wherein when the user inputs the message on know-how, another or a plurality of users to be provided with the message is specified, and the message is output only to the another or plurality of users (col. 8 line 61-63, i.e. Stier discloses review of a created memo by authors and analysts).

With respect to claim 5, the database search system according to claim 1, wherein when the user inputs the message on know-how, the search condition which is associated with know-how (col. 8 line 17-18, i.e. combined query and response) is selectable by the user from a plurality of the search conditions (col. 8 line 47-54).

With respect to claim 6, A database search system for searching a database for data, comprising:

- a unit for measuring a necessary time (figure 13) taken from a start to an end of search processing (col. 11 line 47-51, i.e. turnaround time);

- a unit for receiving (figure 1e, drawing reference 20) an input of a message (figure 5) describing know-how information (drawing reference 3, figure 5) about a problem (drawing reference 2) corresponding to contents of the search processing from a user (agent 13), said know-how information (drawing reference 3, figure 5) being requested (col. 3 line 19-21, col. 9 line 1-6) from a user (drawing reference 3, figure 5) in response to the necessary time measured (col. 11 line 47-51 and draw 437), i.e. turnaround time) at the end of the search processing exceeding a predetermined threshold value (col. 9 line 1-5, col. 3 line 19-21); and

- a unit for storing (drawing reference 35) the input message (figure 5) in a know-how database (drawing reference 35) under a condition that the input message (figure 5) is associated with all the search conditions input during an execution period of the search processing (col. 9 line 18-22 and col. 12 line 55-58).

With respect to claim 7, the database search system according to claim 1, wherein during execution of the search processing, the search conditions input by the user are compared (col. 8 line 17-33, i.e. Stier discloses finding a unique query and response) with search conditions stored in the know-how database (drawing reference 35) every time the search conditions are received (col. 8 line 17-33), and in a case where a predetermined number of or more search conditions are matched with each other, the message associated with the search conditions (col. 8 line 17-18, i.e. combined query and response) stored in the know-how database is output to the user (col. 8 line 42-54).

With respect to claim 8, the database search system according to claim 1, wherein when the user inputs the message on know-how, another or a plurality of users to be provided with the message is specified, and the message is output only to the another or plurality of users (col. 8 line 61-63, i.e. Stier discloses review of a created memo by authors and analysts).

With respect to claim 10, the database search system according to claim 6, the database search system according to claim 1, wherein when the user inputs the message on know-how, the search condition which is associated with know-how (col. 8 line 17-18, i.e. combined query and response) is selectable by the user from a plurality of the search conditions (col. 8 line 47-54).



With respect to claim 11, A database search method for searching a database for data, comprising;

measuring an input number of search conditions (drawing reference 401, query counter, and figures 8-9) input during a period from a start to an end of search processing (col. 12 line 18-19);

receiving (figure 1e, drawing reference 20) an input of a message (figure 5) describing know-how information (drawing reference 3, figure 5) about a problem (drawing reference 2) corresponding to contents of the search processing from a user (agent 13), said know-how information (drawing reference 3, figure 5) being requested (col. 3 line 19-21, col. 9 line 1-6) from a user (drawing reference 3, figure 5) in response to the input number measured (drawing reference 401, query counter, and figures 8-9) at the end of the search processing exceeding a predetermined threshold value (col. 9 line 1-5, col. 3 line 19-21); and

a unit for storing (drawing reference 35) the input message (figure 5) in a know-how database (drawing reference 35) under a condition that the input message (figure 5) is associated with all the search conditions input during an execution period of the search processing (col. 9 line 18-22 and col. 12 line 55-58).

With respect to claim 12, A database search method for searching a database for data, comprising;

measuring a necessary time (figure 13) taken from a start to an end of search processing (col. 11 line 47-51, i.e. turnaround time);

receiving (figure 1e, drawing reference 20) an input of a message (figure 5) describing know-how information (drawing reference 3, figure 5) about a problem (drawing reference 2) corresponding to contents of the search processing from a user (agent 13), said know-how information (drawing reference 3, figure 5) being requested (col. 3 line 19-21, col. 9 line 1-6) from a user (drawing reference 3, figure 5) in response to the necessary time measured (col. 11 line 47-51 and draw 437), i.e. turnaround time) at the end of the search processing exceeding a predetermined threshold value (col. 9 line 1-5, col. 3 line 19-21); and

storing (drawing reference 35) the input message (figure 5) in a know-how database (drawing reference 35) under a condition that the input message (figure 5) is associated with all the search conditions input during an execution period of the search processing (col. 9 line 18-22 and col. 12 line 55-58).

With respect to claim 13, A program product storing a computer-executable program for embodying a database search method for searching a database for data in a recording medium, the program comprising instructions for allowing a computer to execute the following operations of:

measuring an input number of search conditions (drawing reference 401, query counter, and figures 8-9) input during a period from a start to an end of search processing (col. 12 line 18-19);

receiving (figure 1e, drawing reference 20) an input of a message (figure 5) describing know-how information (drawing reference 3, figure 5) about a problem (drawing reference 2) corresponding to contents of the search processing from a user

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(agent 13), said know-how information (drawing reference 3, figure 5) being requested (col. 3 line 19-21, col. 9 line 1-6) from a user (drawing reference 3, figure 5) in response to the input number measured (drawing reference 401, query counter, and figures 8-9) at the end of the search processing exceeding a predetermined threshold value (col. 9 line 1-5, col. 3 line 19-21); and

a unit for storing (drawing reference 35) the input message (figure 5) in a know-how database (drawing reference 35) under a condition that the input message (figure 5) is associated with all the search conditions input during an execution period of the search processing (col. 9 line 18-22 and col. 12 line 55-58).

With respect to claim 14, A program product storing a computer-executable program for embodying a database search method for searching a database for data in a recording medium, the program comprising instructions for allowing a computer to execute the following operations of:

measuring a necessary time (figure 13) taken from a start to an end of search processing (col. 11 line 47-51, i.e. turnaround time);

receiving (figure 1e, drawing reference 20) an input of a message (figure 5) describing know-how information (drawing reference 3, figure 5) about a problem (drawing reference 2) corresponding to contents of the search processing from a user (agent 13), said know-how information (drawing reference 3, figure 5) being requested (col. 3 line 19-21, col. 9 line 1-6) from a user (drawing reference 3, figure 5) in response to the necessary time measured (col. 11 line 47-51 and draw 437), i.e. turnaround time)

at the end of the search processing exceeding a predetermined threshold value (col. 9 line 1-5, col. 3 line 19-21); and

storing (drawing reference 35) the input message (figure 5) in a know-how database (drawing reference 35) under a condition that the input message (figure 5) is associated with all the search conditions input during an execution period of the search processing (col. 9 line 18-22 and col. 12 line 55-58).

With respect to claim 15, A database search system for searching a database for data, comprising:

measuring an input number of search conditions (drawing reference 401, query counter, and figures 8-9) input during a period from a start to an end of search processing (col. 12 line 18-19);

receiving (figure 1e, drawing reference 20) an input of a message (figure 5) describing know-how information (drawing reference 3, figure 5) about a problem (drawing reference 2) occurring during the search processing (col. 8 line 56-63), said know-how information (drawing reference 3, figure 5) being requested from a user in response to the input number measured (i.e. query count) at the end of the search processing exceeding a threshold value and being stored in a database (col. 9 line 1-5, col. 3 line 19-21).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stier as applied to claims 1-3, 5-8, and 10-15 above in view of Birkhoelzer et al. ('Birkhoelzer' hereafter) (U.S. Patent Application 2003/0140030).

With respect to claim 4 and similar claim 9, Stier fails to explicitly teach wherein the message is voice data storing uttered contents of the user.

Birkhoelzer, however, teaches wherein the message is voice data storing uttered contents of the user (paragraph [0036] for storing voice data).

In the same field of endeavor, (i.e. input storage), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Birkhoelzer would have given Stier an efficient method to store input data, such as voice data, for the benefit of having a simple way of communicating data, such as a memo, to a computer. Birkhoelzer discloses in paragraph [0004] of inputting memos in a datafile that a user agent (13) of Stier could have used for a more user-friendly system.

***Response to Arguments***

Applicant's arguments filed 5/1/2007 have been fully considered but they are not persuasive.

Applicant argues on pages 7-8 that Stier does not teach requesting know-how information in response to a number exceeding a threshold value. The Examiner respectfully disagrees given the following:

In Stier teaches a knowledge base built of accumulated knowledge (i.e. know-how") input by a technical representative, such as an agent (13), by saving memos of problems (drawing reference 2) and resolutions (drawing reference 3). In one embodiment, the knowledge base is populated and updated if a need for new content is indicated by the query (Stier, col. 8 line 65-col. 9 line 6). Furthermore, Stier teaches knowledge is developed in response to requests for information at the request of a second entity.

Also, Stier teaches that as an agent uses the system, their description and knowledge of the problem will be saved (col. 8 line 15-17) and after initiating a query (col. 8 line 42) to guide a support requester (col. 8 line 54) saving the query (col. 8 line 55).

In the latter case, as the agent uses the system and saves a memo outlining a problem, a predetermined threshold as claimed may be interpreted to be 1. For example, it can easily be construed that know-how information would be requested at the discovery of each (or every new) problem after each query.

The Examiner also contends that Stier does not teach away from the invention because the memo that is created (at Stier col. 8 line 56-63) is upon discovery that the

query is representing missing, incorrect, or incomplete knowledge. Specifically this memo is created merely to correct or add to *existing* know-how information.

### **Relevant Prior Art**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

2002/0026433 A1 to Kuiper. The subject matter disclosed therein pertains to the pending claims (i.e. knowledge system).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert M. Timblin



Patent Examiner AU 2167

7/20/2007



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